

Mississippi Secretary of State
700 North Street P. O. Box 136, Jackson, MS 39205-0136

ADMINISTRATIVE PROCEDURES NOTICE FILING

AGENCY NAME Mississippi Department of Marine Resources		CONTACT PERSON Joe Jewell	TELEPHONE NUMBER 228-523-4072
ADDRESS 1141 Bayview Avenue		CITY Biloxi	STATE MS
EMAIL Joe.Jewell@dmr.ms.gov	SUBMIT 3-18-2014	Name or number of rule(s): Title 22 Part 7	
		ZIP 39530	

Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal: TITLE 22 – MISSISSIPPI DEPARTMENT OF MARINE RESOURCES, PART 7 REGULATIONS TO PROVIDE SIZE LIMITS AND BAG LIMITS ON CERTAIN FISH SPECIES AND TO PREVENT SALE OF SEAFOOD BY RECREATIONAL FISHERMEN Chapter 09 Section 110 statement added requiring an endorsement to harvest spotted seatrout for sale. Qualifications to obtain this endorsement are included in the statement.

Specific legal authority authorizing the promulgation of rule: Mississippi Code Ann. § 49-15-15, APA, § 25-43-1.101 *et seq.*

List all rules repealed, amended, or suspended by the proposed rule: Title 22, Part 7: (see above summary description complete description attached).

ORAL PROCEEDING:

☐ An oral proceeding is scheduled for this rule on Date: _____ Time: _____ Place: _____

☒ Presently, an oral proceeding is not scheduled on this rule.

If an oral proceeding is not scheduled, an oral proceeding must be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) or more persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address, email address, and telephone number of the person(s) making the request; and, if you are an agent or attorney, the name, address, email address, and telephone number of the party or parties you represent. At any time within the twenty-five (25) day public comment period, written submissions including arguments, data, and views on the proposed rule/amendment/repeal may be submitted to the filing agency.

ECONOMIC IMPACT STATEMENT:

☐ Economic impact statement not required for this rule. ☒ Concise summary of economic impact statement attached.

TEMPORARY RULES _____ Original filing _____ Renewal of effectiveness To be in effect in _____ days Effective date: _____ Immediately upon filing _____ Other (specify): _____	PROPOSED ACTION ON RULES Action proposed: _____ New rule(s) _____ Amendment to existing rule(s) _____ Repeal of existing rule(s) _____ Adoption by reference Proposed final effective date: _____ 30 days after filing _____ Other (specify): _____	FINAL ACTION ON RULES Date Proposed Rule Filed: <u>1-14-2014</u> Action taken: <input checked="" type="checkbox"/> Adopted with no changes in text _____ Adopted with changes _____ Adopted by reference _____ Withdrawn _____ Repeal adopted as proposed Effective date: _____ 30 days after filing <input checked="" type="checkbox"/> Other (specify): <u>May 1, 2014</u>
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Printed name and Title of person authorized to file rules: Jamie M. Miller, Executive Director

Signature of person authorized to file rules: Jamie M. Miller

OFFICIAL FILING STAMP <div style="border: 1px solid black; height: 100px; width: 100%;"></div> Accepted for filing by	DO NOT WRITE BELOW THIS LINE OFFICIAL FILING STAMP <div style="border: 1px solid black; height: 100px; width: 100%;"></div> Accepted for filing by	OFFICIAL FILING STAMP <div style="border: 1px solid black; padding: 10px; text-align: center;"> FILED MAR 18 2014 MISSISSIPPI SECRETARY OF STATE </div> Accepted for filing by <u>#20395</u> <u>[Signature]</u>
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The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.



DELBERT HOSEMAN
Secretary of State

CONCISE SUMMARY OF ECONOMIC IMPACT STATEMENT

An Economic Impact Statement is required for this proposed rule by Section 25-43-3.105 of the Administrative Procedures Act. This is a Concise Summary of the Economic Impact Statement which must be filed with the Secretary of State's Office.

AGENCY NAME Mississippi Department of Marine Resources	CONTACT PERSON Joe Jewell	TELEPHONE NUMBER 228-523-4072
ADDRESS 1141 Bayview Avenue	CITY Biloxi	STATE 39530
EMAIL Joe.jewell@dmr.ms.gov	ZIP MS	
DESCRIPTIVE TITLE OF PROPOSED RULE SPOTTED SEATROUT ENDORSEMENT		
Specific Legal Authority Authorizing the promulgation of Rule: Mississippi Code Ann. § 49-15-15, APA, § 25-43-1.101 et seq.	Reference to Rules repealed, amended or suspended by the Proposed Rule: TITLE 22-MISSISSIPPI DEPARTMENT OF MARINE RESOURCES, PART 7 REGULATIONS TO PROVIDE SIZE LIMITS AND BAG LIMITS ON CERTAIN FISH SPECIES AND TO PREVENT SALE OF SEAFOOD BY RECREATIONAL FISHERMEN	

A. Estimated Costs and Benefits

1. Briefly summarize the benefits that may result from this regulation and who will benefit: It is expected that this endorsement will enhance the average share of each fishing vessel and fishermen to the total annual landings in the coming years. This will be achieved by limiting the rapid increase in the number of fishermen harvesting spotted seatrout in the years to come.
2. Briefly describe the need for the proposed rule: The number of commercial fishing vessels and commercial fishermen engaged in hook and line fishing in the state of Mississippi has increased significantly since the year 2000. These significant increases in fishing licenses sold has resulted in increasing fishing pressure on the spotted seatrout fishery.
3. Briefly describe the effect the proposed action will have on the public health, safety, and welfare: The establishment of this endorsement will not have any significant impact on public health, safety, or welfare.
4. Estimated Cost of implementing proposed action:
 - a. To the agency
☐ Nothing ☒ Minimal ☐ Moderate ☐ Substantial ☐ Excessive
 - b. To other state or local government entities
☒ Nothing ☐ Minimal ☐ Moderate ☐ Substantial ☐ Excessive
5. Estimated Cost and/or economic benefit to all persons directly affected by the proposed rule:
 - c. Cost:
☐ Nothing ☒ Minimal ☐ Moderate ☐ Substantial ☐ Excessive
 - d. Economic Benefit:
☐ Nothing ☐ Minimal ☐ Moderate ☒ Substantial ☐ Excessive

6. Estimated impact on small businesses:

☐ Nothing ☒ Minimal ☐ Moderate ☐ Substantial ☐ Excessive

- a. Estimate of the number of small businesses subject to the proposed regulation: >10
- b. Projected costs for small businesses to comply: None
- c. Statement of probable effect on impacted small businesses: All reporting requirements for small businesses will remain the same.

7. The cost of adopting the rule compared to not adopting the rule or significantly amending the existing rule (check option):

☐ substantially less than ☐ moderately less than ☐ minimally less than
☐ the same as ☒ minimally more than ☐ moderately more than
☐ substantially more than ☐ excessively more than

8. The benefit of adopting the rule compared to not adopting the rule or significantly amending the existing rule (check option):

☐ substantially less than ☐ moderately less than ☐ minimally less than
☐ the same as ☐ minimally more than ☐ moderately more than
☒ substantially more than ☐ excessively more than

B. Reasonable Alternative Methods

- 1. Other than adopting this rule, are there less costly or less intrusive methods for achieving the purpose of the proposed rule?
☐ yes ☒ no
- 2. If yes, please briefly describe available, reasonable alternative(s) and the reasons for rejecting those alternatives in favor of the proposed rule. (Please see §25-43-4.104 for factors you must consider.)

C. Data and Methodology

- 1. Please briefly describe the data and methodology you used in making the estimates required by this form. Harvest data was provided through the Trip Ticket Program administered by the MS Dept. of Marine Resources. This data along with historical license sales was combined to determine impacts to the fishery.

D. Public Notice

- 1. Where, when, and how may someone present their views on the proposed rule and request an oral proceeding on the proposed rule if one is not already scheduled? Individuals may present their views on the proposed rule and request an oral proceeding at the monthly MS Dept. of Marine Resources commission meeting held on the third Tuesday of every month.

SIGNATURE
Jamie M. Miller /s/

DATE
January 14, 2013

TITLE
EXECUTIVE DIRECTOR

PROPOSED EFFECTIVE DATE OF RULE
MAY 1, 2014